

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**SCOTT A. SCHER, et al.**

**Plaintiffs**

**VS.**

**DEUTSCHE BANK TRUST  
COMPANY AMERICAS, et al.**

**Defendants**

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**Case No. 4:13cv203**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On February 25, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants Bradley Arant Boult Cummings, LLP and Preston Neel's Motion to Dismiss First Amended Complaint (Dkt. 11) and Defendant Deutsche Bank Trust Company Americas and Defendant Mortgage Electronic Registration Systems, Inc.'s Motion to Dismiss Plaintiffs' First Amended Complaint for Failure to State a Claim Pursuant to Fed. R. Civ. P. 12(b)(6) (Dkt. 13) be GRANTED and that Plaintiffs' claims against Defendants Deutsche Bank Trust Company Americas, as Trustee for RALI2006QS14, Mortgage Electronic Registration Systems, Inc., Bradley Arant Boult Cummings, LLP and Preston Neel be dismissed with prejudice for failure to state a claim. The Magistrate Judge further recommended that any claims against Defendants Ally Financial, Inc./GMAC Mortgage, LLC, Ocwen Financial Services, Simmons, and Cantu be dismissed without prejudice and that this matter be closed on the court's docket.


The court has made a *de novo* review of the objections raised by Plaintiffs and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Defendants Bradley Arant Boult Cummings, LLP and Preston Neel's Motion to Dismiss First Amended Complaint (Dkt. 11) and Defendant Deutsche Bank Trust Company Americas and Defendant Mortgage Electronic Registration Systems, Inc.'s Motion to Dismiss Plaintiffs' First Amended Complaint for Failure to State a Claim Pursuant to Fed. R. Civ. P. 12(b)(6) (Dkt. 13) are GRANTED and Plaintiffs' claims against Defendants Deutsche Bank Trust Company Americas, as Trustee for RALI2006QS14, Mortgage Electronic Registration Systems, Inc., Bradley Arant Boult Cummings, LLP and Preston Neel are dismissed with prejudice for failure to state a claim. Further, any claims against Defendants Ally Financial, Inc./GMAC Mortgage, LLC, Ocwen Financial Services, Simmons, and Cantu are hereby dismissed without prejudice and this matter shall be closed on the court's docket.

Plaintiffs' request for hearing and oral argument is DENIED.

**IT IS SO ORDERED.**

**SIGNED this the 28th day of March, 2014.**

  
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RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE